

Translation

Rec'd PCT/PTO

24 JAN 2005
PCT/JP2003/009397

TENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 03F024-PCT	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/JP2003/009397	International filing date (day/month/year) 24 July 2003 (24.07.2003)	Priority date (day/month/year) 24 July 2002 (24.07.2002)	
International Patent Classification (IPC) or national classification and IPC A23L 1/20, 1/187, 1/06			
Applicant PEACE BEANS CO., LTD.			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☒ (sent to the applicant and to the International Bureau) a total of 5 sheets, as follows:
 - ☒ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:
 - ☒ Box No. I Basis of the report
 - ☐ Box No. II Priority
 - ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - ☐ Box No. IV Lack of unity of invention
 - ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - ☐ Box No. VI Certain documents cited
 - ☐ Box No. VII Certain defects in the international application
 - ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 06 February 2004 (06.02.2004)	Date of completion of this report 07 October 2004 (07.10.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International Application No.

PCT/JP2003/009397

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:

- ☐ international search (under Rules 12.3 and 23.1(b))
☐ publication of the international application (under Rule 12.4)
☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ The international application as originally filed/furnished

☒ the description:

pages _____ 1-8 _____, as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☒ the claims:

pages _____ 1-6, 8-14, 19-21, 23 _____, as originally filed/furnished

pages* _____, as amended (together with any statement) under Article 19

pages* _____ 7, 15-18, 22, 24-25 _____ received by this Authority on _____ 16 July 2004 (16.07.2004)

pages* _____ received by this Authority on _____

☐ the drawings:

pages _____, as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.
PCT/JP 03/09397

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	2-25	YES
	Claims	1	NO
Inventive step (IS)	Claims	2-3, 7-25	YES
	Claims	1, 4-6	NO
Industrial applicability (IA)	Claims	1-25	YES
	Claims		NO

2. Citations and explanations

Document 1: EP 727153 A2 (Ajinomoto Co., Inc.), 21 August 1996

Document 2: EP 711509 A1 (Nisshin Flour Milling Co., Ltd.), 15 May 1996

Document 3: JP 2-27957 A (Zojirushi Corporation), 30 January 1990

Document 4: JP 7-289192 A (Goshi Kaisha Sarugakyo Hotel), 7 November 1995

The invention set forth in claim 1 is disclosed in document 1 (page 3, line 50 to page 4, line 3), and therefore lacks novelty and does not involve an inventive step.

The invention set forth in claims 4 to 6 does not involve an inventive step in the light of document 1. It would be obvious to a person skilled in the art to change the conditions of each step set forth in document 1 as necessary, and to use seasonings in the manufacture of other foods.

The invention set forth in claim 1 is disclosed in document 2 (page 3, lines 3 to 5), and therefore lacks novelty and does not involve an inventive step.

The invention set forth in claims 4 to 6 does not involve an inventive step in the light of document 2. It would be obvious to a person skilled in the art to change the conditions of each step set forth in document 2 as necessary, and to use seasoning liquids in the manufacture of other foods.

The invention set forth in claim 1 is disclosed in document 3, and therefore lacks novelty and does not involve an inventive step.

The invention set forth in claims 4 to 6 does not involve an inventive step in the light of document 3. It would be obvious to a person skilled in the art to change the conditions of each step set forth in document 3 as necessary, and to use soybean milk in the manufacture of other foods.

The invention set forth in claim 1 is disclosed in document 4 (paragraph 2, line 24 to paragraph 3, line 41), and therefore lacks novelty and does not involve an inventive step.

The invention set forth in claims 4 to 6 does not involve an inventive step in the light of document 4. It would be obvious to a person skilled in the art to change the conditions of each step set forth in document 4 as necessary, and to use powdered bean curd refuse in the manufacture of other foods.